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Law Offices of John P. Brennan, Jr.

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John P. Brennan, Jr.

November 3, 2017

Neal O'Connor, paralegal

via certified mail #70161370000037243305
Jeff Sessions, Attorney General of the United States
Department of Justice
950 Pennsylvania Avenue N.W.
Washington, DC 20530-0001

via certified mail #70161370000037243299
Scott Pruitt, Administrator
Environmental Protection Agency
Mailbox 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

via certified mail #70161370000037243251
Pete Lopez, Regional Administrator
Environmental Protection Agency Regional Office
Region II
290 Broadway
New York, NY 10007-1866

via certified mail #70161370000037243268
Robert Martin, Commissioner
Department of Environmental Protection
P.O. Box 402
401 E. State Street, East Wing
Trenton, NJ 08625-0402

via certified mail #70161370000037243275
Richard J. Cuttrell, Clerk
Neptune Township
25 Neptune Blvd.
Neptune, NJ 07753

via certified mail #70161370000037243282
Lighthouse Fuel Transport, LLC
c/o Michael Casiere

6 Regency Way
Manalapan, NJ 07726

Re: Shark River Cleanup Coalition v
Lighthouse Fuel Transport, LLC

Dear Sir/Madam:

Enclosed please find an original Notice of Intention to Commence Suit under the Clean Water Act in this matter.

Thank you for your attention to this matter.

Very truly yours,

John P. Brennan, Jr.

JPB:jb

enclosure

cc. Shark River Cleanup Coalition w/encl.

**NOTICE OF INTENTION TO COMMENCE SUIT
UNDER THE CLEAN WATER ACT**

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Sirs/Madam:

PLEASE TAKE NOTICE that Shark River Clean-up Coalition, Inc., a New Jersey Non-Profit Corporation, ("SRCC") with an address of PO Box 2241, Neptune City, NJ 07753, Phone and Fax 732-988-SRCC (7722), hereby provides notice pursuant to 33 U.S.C. § 1365 and

40 CFR § 135.1, that it intends to commence suit pursuant to the Clean Water Act, 33 U.S.C. §1251 et seq. (1972), ("CWA") against Lighthouse Fuel Transport, LLC, for violation of an effluent standard or limitation under the CWA. SRCC more specifically states:

Lighthouse Fuel Transport, LLC, with offices at c/o Michael Casiere, Agent, 6 Regency Way, Manalapan, NJ 07726, is a New Jersey Limited Liability Company engaged in the transportation of fuel.

On November 28, 2016, Lighthouse Fuel Transport, LLC was making a delivery of #2 heating oil to Midway Fuel and Ice, 1400 S Route 35, Neptune Township, NJ 07753. During the delivery due to carelessness, Lighthouse Fuel Transport, LLC discharged at least 250 gallons of #2 heating oil onto the ground, into a Neptune Township storm sewer inlet and into the Shark River, a navigable waterway protected from such discharges under the Clean Water Act.

The Shark River Watershed is the largest watershed in the South Coast Region of Monmouth County's Atlantic Coastal Watershed. It covers an area in excess of 23 square miles. It includes land within the municipalities of Tinton Falls, Colts Neck, Howell, Wall, Neptune, Neptune City, Avon-By-the-Sea, Belmar and Lake Como. This sub-watershed is dominated by medium to high-density residential areas, but still has some remaining natural lands. All lands within the delineated sub-watershed drains directly to the Shark River.

The Shark River Bay is fed by a multitude of feeder streams. The most significant of these streams are the Jumping Brook and Shark River Brook. Jumping Brook is fed by smaller streams including Wells Brook and Hankins Brook. Shark River Brook is fed by Webley's Brook, South Brook, Robins Swamp Brook, Sarah Green Brook, Laurel Gully Brook, Reevey's Branch and other unnamed tributaries. The upland freshwater tributaries empty into the Shark

River Bay and ultimately through the Belmar Inlet to the Atlantic Ocean.

The waters of the Shark River Bay are brackish. The Bay is an estuary - a unique place where salt and freshwater combine - which serves as a marine sanctuary and nursery. The level of salinity is lower to the western end of the "U" shaped water body. The average tidal water level change is about 6 feet. Due to deteriorated conditions, only two river beaches in this area are currently open for bathing: L Street Beach in Belmar and the Shark River Hills Beach and Yacht Club. An agreement between the Borough of Belmar, the yacht club and the Monmouth County Health Department closes this beach mandatorily for 24 hours following a significant rainfall event to avoid fecal coliform, which occur when the storm sewers are flushed.

Many of the river's pollution problems are due to landside practices. Erosion is an increasing concern. The rapid pace of development over the past decades translates to higher levels of stormwater being discharged into the Shark River Bay or its tributary streams and more and more often are causing alarming erosion of the stream banks because of the volume of water being discharged. In turn, this results in a greater accumulation of sediment in the channels and river bottom of the bay.

Monmouth County has designated as a "Unique Area" (environmentally sensitive areas worthy of preserving from developmental pressures) the Estuarine Pond located on the Shark River, in the vicinity of Brighton Avenue on its border between Wall and Neptune Townships. More a marsh than a pond, this area was considered unique as a wildlife habitat, marsh, coastal flood plain and scenic area. The area supports a vegetative community consisting of Sweet Pepperbush, Hightide Bush, cattails, rushes, Common Reed and various spartine grasses. The area also supports a diverse bird community, including the endangered Bald Eagle and Black

Skimmer as well as a nesting pair of Osprey, which are on the Threatened Species list. There is a large population of songbirds as well as migratory and fowl populations. The Shark River Watershed provides suitable habitat for dozens of threatened and endangered mammals, fish, amphibians, reptiles, and plant and avian species.

Another designated "Unique Area" is the Glendola Reservoir. It is located north of Belmar in Wall Township. The Glendola Reservoir is a source of potable drinking water operated by the New Jersey American Water Company ("NJAWC"). The water is pumped to a facility from the Shark River Brook and Jumping Brook and is stored for treatment and use. The reservoir is primarily bowl shaped, ringed with forested wetlands, forested uplands and residential developments. It holds approximately one billion gallons of water. NJAWC also pumps water from the Shark River Brook directly to its Jumping Brook Treatment Plant located on Old Corlies Avenue in Neptune Township. This Plant provides part of the potable water for approximately 245,000 customers in the municipalities of Avon, Bradley Beach, Belmar, Lake Como, Neptune City, Neptune Township, Bay Head and Tinton Falls.

As surface water, the Shark River and its tributaries are protected by a regime of environmental statutes, regulations and ordinances. The New Jersey Department of Environmental Protection ("DEP") administers the Surface Water Quality Standards (SWQS), N.J.A.C. 7:9B, for the protection of surface water quality of the waters of the State. The DEP develops and administers the SWQS pursuant to the Water Quality Planning Act (WQPA), N.J.S.A. 58:11A-1 et seq., and the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. The SWQS are further developed and administered in conformance with the requirements of the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq., commonly

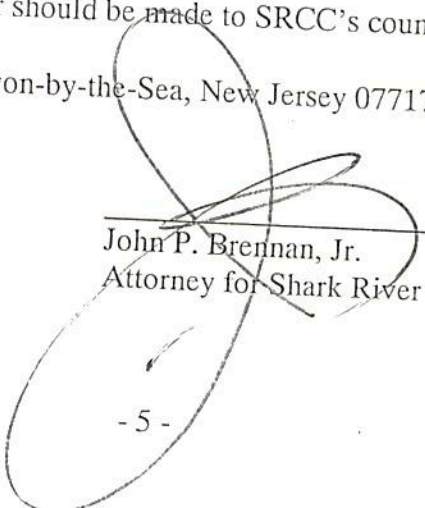
known as the Clean Water Act (CWA), and the Federal regulatory program established by the United States Environmental Protection Agency (USEPA) at 40 CFR § 131. The SWQS include general requirements, use classifications, antidegradation categories, and water quality criteria applicable to the surface waters of the State. The SWQS are established to address the DEP's responsibility to conduct a continuous planning process pursuant to Section 303 of the CWA, 33 U.S.C. § 1313, and the WQPA, N.J.S.A. 58:11A-1 et seq.

The SWQS are intended to aid the DEP in its implementation of the New Jersey Pollutant Discharge Elimination System (NJPDES) rules (N.J.A.C. 7:14A); Freshwater Wetlands Protection Act (N.J.A.C. 7:7A); Coastal Zone Management rules (N.J.A.C. 7:7E); Flood Hazard Area Control rules (N.J.A.C. 7:13); Stormwater Management rules (N.J.A.C. 7:8); and Water Quality Management Planning rules (N.J.A.C. 7:15).

The Shark River Clean-up Coalition is a watershed watchdog organization whose mission since its 2001 incorporation is "to significantly enhance the water quality of the Shark River Estuary and its fresh water tributaries, to improve and protect habitats important to the conservation and abundance of wildlife, to protect the recreational and commercial uses from degradation and pollution, thereby ensuring the ecological and economic stability of this important watershed."

Notices regarding this matter should be made to SRCC's counsel, John P. Brennan, Jr., Attorney at Law, 43 Main Street, Avon-by-the-Sea, New Jersey 07717, (732) 974-9234.

Dated: November 3, 2017


John P. Brennan, Jr.
Attorney for Shark River Clean-up Coalition, Inc.